

H:A

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/676,353	SPARKS, KEVIN B.	
	Examiner	Art Unit	
	Jennifer Doan	2874	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed on 11/14/05.
2.  The allowed claim(s) is/are 1-8 and 10-21.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

*Jennifer Doan*

**JENNIFER DOAN  
PRIMARY EXAMINER**

*01/18/06*

## **EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE**

### ***Response to Amendment***

1. Applicant's amendment, filed on November 14, 2005, has been fully considered and entered.

### ***Examiner's amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Svetlana Z. Short on January 18, 2006.

The application has been amended as follows:

In claim 8, line 10, please change "a relative refractive index delta than that of any pedestal" to -- a relative refractive index delta **lower** than that of any pedestal--.

In claim 13, line 8, please change "a relative refractive index delta than that of any pedestal" to -- a relative refractive index delta **lower** than that of any pedestal--.

In claim 15, line 8, please change "a relative refractive index delta than that of any pedestal" to -- a relative refractive index delta **lower** than that of any pedestal--.

***Reasons for Allowance***

3. Claims 1-8 and 10-21 are allowed.

4. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or reasonably suggest all the limitations recited in independent claims 1 and 20. Specifically, the prior art of record fails to disclose an optical fiber comprising a multi-pedestal region in contact with and surrounding the core, at least one of the pedestals having  $\Delta_{ped}$  value higher than 0.2 % and a width of less than 6  $\mu m$  and another of the pedestals having  $\Delta_{ped}$  value lower than 0.2 % in combination with the other limitations of claims 1 and 20.

Claims 2-7 depend from claim 1.

Claim 21 depends from claim 20.

The prior art of record also fails to disclose or reasonably suggest all the limitations recited in independent claim 8. Specifically, the prior art of record fails to disclose an optical fiber comprising a multi-pedestal region surrounding the core, at least one of the pedestals having  $\Delta_{ped}$  value higher than 0.2 % and a width of less than 6  $\mu m$  and wherein the multiple-pedestal region includes 6 or fewer pedestals with  $\Delta_{ped}$  value higher than 0.2 % and the widths of each of these pedestals is less than 5  $\mu m$  in combination with the other limitations of claim 8.

Claims 10-12 and 17-19 depend from claim 8.

The prior art of record also fails to disclose or reasonably suggest all the limitations recited in independent claims 13 and 15. Specifically, the prior art of record fails to disclose an optical fiber comprising a multi-pedestal region in contact with and surrounding the core, at least one of the pedestals having  $\Delta_{ped}$  value higher than 0.2 % and a width of less than 6  $\mu m$  and the optical fiber having a taper ratio between 1.5 and 3 in combination with the other limitations of claims 13 and 15.

Claim 14 depends from claim 13.

Claim 16 depends from claim 15.

The examiner agrees with applicant's arguments on pages 6 and 7 in the remarks accompanying the amendment of November 14, 2005, and fully concurs that Kim reference does not disclose or suggest an optical fiber having a multi-pedestal region in contact with and surrounding the core including all specific features as defined above.

Claims 1-8 and 10-21 are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.
6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JD

JENNIFER DOAN  
PRIMARY EXAMINER

January 18, 2006